

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

RICHARD C. CARRIER, Ph.D.,  
an individual,

Plaintiff,

v.

PAUL Z. MYERS, Ph.D., an  
individual,

Defendant.

Case No.: 0:19-CV-01152-PJS-LIB

**MOTION TO DISMISS**

Plaintiff Richard Carrier filed this case beyond the statute of limitations, and neither equitable tolling nor Ohio law save it. It otherwise fails on the merits. Plaintiff's claim also fails to meet or exceed the \$75,000 amount in controversy requirement of 28 U.S.C. § 1332(a). Thus, Defendant Paul Z. Myers moves to dismiss this matter for failure to state a claim for relief under Fed. R. Civ. P. 12(b)(6) and for lack of subject-matter jurisdiction under Fed. R. Civ. P. 12(b)(1). In support, Defendant refers to his accompanying memorandum.

WHEREFORE Defendant requests this Court dismiss Plaintiff's Complaint with prejudice.

Dated this 8<sup>th</sup> day of July 2019.

Respectfully Submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ Ronald D. Green

Ronald D. Green

*(pro hac vice motion pending)*

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